

**Introduced by Senator Torlakson**

February 16, 2006

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Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Sections 10 and 11 to Article IX thereof, relating to education funding.

LEGISLATIVE COUNSEL'S DIGEST

SCA 24, as introduced, Torlakson. Education funding: before and after school programs.

The California Constitution requires that, commencing with the 1990–91 fiscal year, a minimum amount of moneys from all state revenues be applied by the state for the support of school districts and community college districts according to a specified formula. Existing provisions of the California Constitution authorize the Legislature to suspend the obligation to appropriate that minimum education funding amount for one fiscal year and identify the amount of the shortfall as a maintenance factor. The California Constitution requires an amount to be allocated during specified fiscal years as repayment of the maintenance factor.

An existing initiative statute provides, commencing with the fiscal year beginning July 1, 2004, and for each fiscal year thereafter, for the continuous appropriation of an amount not to exceed \$550,000,000 from the General Fund to the State Department of Education for the After School Safety and Education Program, as specified.

This measure would authorize that continuous appropriation of funds for the After School Safety and Education Program to commence the first fiscal year after the fiscal year in which specified conditions have been met, including (1) a sufficient appropriation of funds from the General Fund for the fiscal year to provide both the

minimum amount of funding to school districts and community college districts required by the California Constitution and the total amount of the outstanding balance of a maintenance factor, (2) prior to July 1 of the fiscal year, the appropriation of General Fund moneys to school districts and community college districts in each fiscal year, up to and including the 2003–04 fiscal year, sufficient to provide the minimum amount of funding to school districts and community college districts required by the California Constitution, and (3) the certification by the Department of Finance, in consultation with the Legislative Analyst’s Office, that (A) the fiscal year will end with a projected balance in the Budget Stabilization Account of at least 3 percent of the estimated General Fund revenues for the fiscal year, and (B) annual baseline General Fund revenues are estimated to exceed annual baseline General Fund expenditures in the succeeding 2 fiscal years. The measure would require the Legislature to define by statute baseline General Fund revenues and expenditures, as specified.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

1     *Resolved by the Senate, the Assembly concurring,* That the  
2     Legislature of the State of California at its 2005–06 Regular  
3     Session commencing on the sixth day of December, 2004,  
4     two-thirds of the membership of each house concurring, hereby  
5     proposes to the people of the State of California, that the  
6     Constitution of the State be amended as follows:

7     First—That Section 10 is added to Article IX thereof, to read:

8     Sec. 10. (a) The continuous appropriation required pursuant  
9     to subdivision (b) of Section 8483.5 of the Education Code, or its  
10    successor, shall commence the first fiscal year after the fiscal  
11    year in which all of the following conditions have been met:

12    (1) Funds appropriated from the General Fund for the fiscal  
13    year are sufficient to provide both the minimum amount of  
14    funding to school districts and community college districts  
15    required by subdivision (b) of Section 8 of Article XVI and the  
16    total amount of any outstanding balance of a maintenance factor.

17    (2) Prior to July 1 of the fiscal year, the amount of General  
18    Fund moneys appropriated to school districts and community  
19    college districts for each fiscal year up to and including the  
20    2003–04 fiscal year was sufficient to provide the minimum

1 amount of funding to school districts and community college  
2 districts required by subdivision (b) of Section 8 of Article XVI.

3 (3) The Department of Finance, in consultation with the  
4 Legislative Analyst's Office, certifies both of the following:

5 (A) The fiscal year will end with a projected balance in the  
6 Budget Stabilization Account of at least 3 percent of the  
7 estimated amount of General Fund revenues for the fiscal year.

8 (B) The annual baseline General Fund revenues are estimated  
9 to exceed annual baseline General Fund expenditures in the  
10 succeeding two fiscal years.

11 (b) The Legislature shall by statute define baseline General  
12 Fund revenues and expenditures for purposes of this section,  
13 which shall incorporate inflation adjustments, one-time costs  
14 arising from court cases and other factors, workload adjustments,  
15 caseloads, and other relevant fiscal matters.

16 Second—That Section 11 is added to Article IX thereof, to  
17 read:

18 SEC. 11. Notwithstanding Section 10 of Article II, the  
19 Legislature may amend any provision of Article 22.5  
20 (commencing with Section 8482) of Chapter 2 of Part 6 of the  
21 Education Code, or its successor, in order to create an after  
22 school program that the Legislature determines to appropriately  
23 meet the educational and safety needs of California pupils.